IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

MACA.No. 631 of 2007

AWARD DATED 02/11/2006 IN OPMV.2269/2002 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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APPELLANT/PETITIONER:

AZHKAR, S/O. ABDUL KADAR,
MALAYILAN HOUSE, PRAMBA BHAGAM,
EDAVOOR, KOOVAPPADI.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS/RESPONDENTS:
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1. PRASANNAN, NERIYAN PARAMBIL HOUSE,
PUNNORKADU P.O., PAZHANTHOTTAM.

2. NASSER, S/O.ALIYAR, ETTIYATTIRA HOUSE,
EDAVOOR, KOOVAPPADI.

3. THE UNITED INDIA INSURANCE CO.LTD.,
PERUMBAVOOR.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.A.C.A.No. 631 of 2007

Dated this the 23rd day of May, 2007

Judgment

Koshy, J.

Appellant at the age of 18 met with a motor accident while he was travelling in a motor cycle as a pillion rider. A car bearing registration No.KBF 564 hit the motor cycle as a result of which appellant sustained compound fracture of both bones of right leg and amputation of tip of thumb. Doctor certified 2% disability. According to the appellant, he was employed as a coolie and was getting Rs.3,500/- per month at the time of accident and he claimed a total compensation of Rs.2,25,000/=. The Tribunal found that the accident occurred due to the negligence of the driver of the car insured by the third respondent insurance company. However, the Tribunal awarded a total compensation of Rs.1,20,450/= only.

2. Appellant was aged only 18 years at the time of accident. There is no evidence to show that he was earning Rs.3,500/= per month. However, the tribunal

fixed Rs.1,800/= as the monthly income. We see no ground to interfere in the above. Since fracture of bones of right leg was completely united, for amputation of the tip of left thumb, 2% permanent disability compensation was awarded by the Tribunal. Rs.20,000/- was awarded for pain and suffering. Apart from the above, Rs.10,000/- was awarded towards loss of amenities. We are of the view that just and reasonable compensation was awarded by the tribunal and no grounds are made out for interference. Therefore, appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.A.C.A. NO.631/2007

JUDGMENT

Dated:23rd May, 2007